

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: SUBPOENA TO CLOUDFLARE,
INC.

Case No. [23-mc-80005-HSG](#)

**ORDER GRANTING J. DOE'S
MOTION TO QUASH SUBPOENA**

Re: Dkt. No. 1

Pending before the Court is movant J. Doe's motion to quash a subpoena issued to Cloudflare, Inc. seeking Doe's identity. Dkt. No. 1. The subpoena was initially issued by Plaintiff Daniel D'Ambly seeking the identity of Doe, a web host, to support his case in *D'Ambly v. Exoo*, Case No. 2:20-cv-12880 (District of New Jersey). The Court expressed concerns regarding whether Mr. D'Ambly was properly served and had a meaningful opportunity to respond to the motion to quash. *See* Dkt. No. 17. Doe responded on May 8, 2023, detailing the efforts taken to serve Mr. D'Ambly and provide him with notice of this case. Dkt. No. 19.


- On January 5, 2023, Doe sent Mr. D'Ambly's counsel a copy of the motion to quash by email and U.S. mail, and counsel confirmed receipt that same day. *See* Dkt. No. 19-1 at ¶¶ 2–3.
- On January 23, February 7, February 8, February 13, and March 16, 2023, Doe emailed Mr. D'Ambly's counsel copies of the filings and orders in this case. *See id.* at ¶¶ 4–9.
- On April 28, 2023, Doe re-served all filings and orders in this case by first-class mail, postage pre-paid, and with return receipts requested. *Id.* at ¶ 13. The U.S. Postal Service confirmed delivery. *Id.* at ¶ 14.

- That same day, Doe spoke with Mr. D'Ambly's counsel by telephone, and his counsel confirmed that he would not be responding to the motion to quash in this case. *Id.* at ¶ 10.

The Court finds that these efforts were reasonably calculated to put Mr. D'Ambly on notice of the motion and he in fact received notice. Mr. D'Ambly has had ample time to file an opposition to the motion to quash and has failed to do so. The Court therefore **GRANTS** the motion to quash the subpoena. Dkt. No. 1. The Clerk is directed to close this case.

IT IS SO ORDERED.

Dated: 6/15/2023


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California